

Remarks

By the above amendment, the status of the parent application has been updated in the specification. The claims have been amended so that they are now directed to the elected subject matter. In particular, claim 11 has been amended to follow terminology suggested by the Examiner in the telephone interview of October 21, 2004. Claim 22 has been added to provide further coverage for the species of protein corresponding to SEQ.ID.NO.:12.

In the telephone interview, the Examiner maintained the restriction requirement under 35 U.S.C. § 121 set forth in the Office Action dated September 2, 2004. The Examiner indicated that she had conducted a search of Applicant's elected Group VI and species of protein comprising SEQ.ID.NO.:12, and that the claims would be allowable if limited to the elected subject matter. The Examiner indicated that the claims of Groups IV and V would not be rejoined with the claims of Group VI as requested by Applicant in its Response To Restriction Requirement dated October 4, 2004, because the search encompassing such subject matter would entail an undue examination burden. The Examiner explained that the discussion at M.P.E.P. § 803.04, that normally ten sequences constitutes a reasonable number for examination purposes, pertains to ESTs, not protein sequences.

Accordingly, to expedite allowance, Applicant has canceled the claims to the non-elected inventions, reserving the right to prosecute the deleted subject matter in one or more divisional applications. Applicant therefore requests favorable action as well as official confirmation of the Examiner's consideration of the references cited in the Information Disclosure Statements of record.

Respectfully submitted,

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